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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,624	12/26/2001	Terry Bruce	15584.1	1108
22913	7590	04/07/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/019,624	Applicant(s) BRUCE, TERRY	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,2,11-15 and 20 is/are rejected.
 7) ☒ Claim(s) 3-10 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the fifth office action for serial number 10/019,624. This application contains claims 1-15 and 20. Claims 16-19 were previously canceled. Claim 20 has been added by the amendment filed 12/23/04.

Claim Objections

2. Claims 1-2 and 20 are objected to because of the following informalities:

Claims 1 and 20, each recites "a hose" (both claims in lines 7 and 9), this should be changed to -- the hose --

Claim 2 is also objected for the same reason (see "a hose" line 3), this should be changed to -- the hose --. Appropriate correction is required.

3. Applicant's amendment to claim 1 appears to be recited that the subcombination is being claimed (the universal hose clamp only). Therefore, the claims in this office action will be treated as a subcombination in view of the amendment of record. Since the hose is not a positive limitation/ part of the claims, therefore any language associated with the hose will not be considered as a positive limitation/part in the claims (for example: the languages such as "when a hose is coupled to the hose coupling" (claim 1, line 9) or (such that with the hose coupled to the hose coupling" (claim 2, line 3).

Since the claims are intended to claim only a subcombination, the claims now are broader than the claims as previously considered on the merits (the previously

considered on the merits was the claims being treated as a combination). A new rejection will be as follow:

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No. 13318 to Howell et al.

Regarding claim 1, Howell et al. teaches a nozzle holder comprising a hose locating mechanism (a), a hose coupling (c, d, g); a securing means (between a and b) for securing the locating mechanism to a support structure (b), the locating mechanism having a first locking mechanism (pin, f) which moves between a locked and an unlocked position. The hose coupling can be unlimited rotational movement about an axis in a horizontal plane.

Regarding claim 2, Howell et al. also teaches the hose locating mechanism further having a second locking mechanism (between a and b) which moves between locked and unlocked positions such that when in the unlocked position the hose coupling has unlimited rotational movement about an axis in a vertical plane.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No. 2,326,082 to Giles.

Regarding claim 20, Giles teaches a nozzle holder comprising a hose locating mechanism includes a first and second locking mechanisms (30, 32 and 72, 74, 76, 78, 80) which move between locked and unlocked positions, a securing means (22, 40, 5 or 5a) for securing said locating mechanism to a support structure; a hose coupling (100, Fig. 3) adapted to connect a hose to the universal hose locating mechanism, wherein the hose coupling is configured to have unlimited rotational movement over 360 degrees when the hose is coupled to the hose coupling and the first and second locking mechanism are in their unlocked positions.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. in view of US Patent No. 3,856,245 to Byerly.

Regarding claims 11-14, Howell lacks teaching of the hose coupling further comprises the gripping aid, a mounting band wherein the gripping aid is made of flexible material comprising rubber, and is cylindrical in shape.

Byerly teaches the gripping aid being made out of flexible material namely rubber in order to deform and to press hard against the pipe, as well as, to provide frictionally hold while preventing damages to the pipe.

One skilled in the art would have been motivated to use the rubber gripping aid of Byerly for the hose coupling of Howell because Byerly teaches that the rubber can be

pressed hard against the pipe to provide tightly secure as well as to minimize the damages to the pipe.

Regarding claim 15, Howell as modified also teaches a hose securing means being a screw thread mechanism (e).

Allowable Subject Matter

6. Claims 3-10 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 12/23/04 have been fully considered but they are not persuasive.

Applicant's argument with respect to claims 1 and 20 as presented on page 7 has been fully considered but not persuasive. Applicant's amendment to claim 1 appears to be showing that the subcombination is being claimed and that the hose is not a positive limitation/part of the claims. Since the hose is not a positive limitation of the claims, the new rejection is necessitated based on the claims that are now broader than the original claims as previously considered on the merits. The previously considered on the merits was based on the combination not the subcombination. Accordingly, The indication of allowable subject matter which is based on the combination in the previously office action is therefore also withdrawn.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244 (old) or (571) 272-6818 (new) (starting from 4/08/05). The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

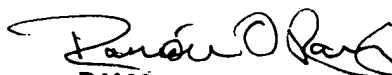
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156 (old) or (571) 272-6815 (new) (starting 4/8/05). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
Patent examiner
March 28, 2005.


RAMON O. RAMIREZ
PRIMARY EXAMINER